

THIRTY-NINTH DAY
(Wednesday, March 22, 1995)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Sims.

A quorum was announced present.

The Reverend Rebecca L. Gurney, Minister to Students, University Baptist Church, Austin, offered the invocation as follows:

Dear God, these folks assembled here today have stepped forward to make a difference in the lives of the people of Texas. Please give them the wisdom, the strength, and the courage to make a positive difference. And, God, thank You for blessing Texas. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.

CO-AUTHOR OF SENATE BILL 38

On motion of Senator Brown and by unanimous consent, Senator West will be shown as Co-author of **S.B. 38**.

CO-AUTHOR OF SENATE BILL 385

On motion of Senator Ellis and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 385**.

CO-AUTHOR OF SENATE BILL 603

On motion of Senator Madla and by unanimous consent, Senator Wentworth will be shown as Co-author of **S.B. 603**.

CO-AUTHOR OF SENATE BILL 648

On motion of Senator Truan and by unanimous consent, Senator Ellis will be shown as Co-author of **S.B. 648**.

CO-AUTHOR OF SENATE BILL 811

On motion of Senator Lucio and by unanimous consent, Senator Sims will be shown as Co-author of **S.B. 811**.

CO-AUTHOR OF SENATE BILL 993

On motion of Senator Barrientos and by unanimous consent, Senator Wentworth will be shown as Co-author of **S.B. 993**.

CO-AUTHOR OF SENATE BILL 1499

On motion of Senator Montford and by unanimous consent, Senator Ellis will be shown as Co-author of **S.B. 1499**.

MESSAGE FROM THE HOUSE

House Chamber
March 22, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 564, Relating to requiring certain home-rule municipalities to obtain annexation approval from voters in the area to be annexed.

H.B. 785, Relating to the regulation and characterization of manufactured housing.

H.B. 680, Relating to a change of annuity selection by a retiree of the Employees Retirement System of Texas.

H.B. 1157, Relating to the administration of the Texas Guaranteed Student Loan Corporation.

H.B. 235, Relating to the provision of emergency medical information services.

H.B. 305, Relating to the authority of local governments to enter into contracts with other governmental entities for purchases of goods and services.

H.B. 655, Relating to the recodification of statutes relating to parents and children and suits affecting the parent-child relationship.

H.B. 1483, Relating to the regulation of certain practices by funeral directors, embalmers, and mortuary schools.

H.B. 1318, Relating to an exemption from the sand and gravel permitting process for disturbances of marl, sand, gravel, shell, and mudshell for noncommercial maintenance projects by public utilities.

H.J.R. 50, Proposing a constitutional amendment providing for the issuance of general obligation bonds by the Texas Higher Education Coordinating Board.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate:

S.C.R. 94

PROCLAMATION FROM THE GOVERNOR

The following Proclamation from the Governor was read and was filed with the Secretary of the Senate:

**P R O C L A M A T I O N
BY THE
GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 74TH LEGISLATURE, REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, George W. Bush, Governor of the State of Texas, submit the following emergency matter for immediate consideration by the 74th legislature, now convened:

Relating to the compensation of the commissioner of education and the payment certain expenses.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at my office in the City of Austin, on this the 20th day of March, 1995.

/s/George W. Bush
Governor of Texas

ATTEST:

/s/Antonio "Tony" O. Garza, Jr.
Secretary of State

CAPITOL PHYSICIAN

Senator Shapiro was recognized and presented Dr. R. G. Corona of Dallas as the "Doctor for the Day."

The Senate welcomed Dr. Corona and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

PERMISSION TO INTRODUCE BILLS

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

**S.B. 1603
S.B. 1604
S.B. 1605
S.B. 1606
S.B. 1607
S.B. 1608**

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

SENATE RESOLUTION 483

Senator Nelson offered the following resolution:

S.R. 483, Commending the Leadership Southwest program for its notable and visionary work in providing for the future of the Southwest Dallas area.

The resolution was read and was adopted by a viva voce vote.

HOUSE CONCURRENT RESOLUTION 136

The President laid before the Senate the following resolution:

H.C.R. 136, Recognizing March 22, 1995, as Paris-Lamar County Day at the Capitol.

RATLIFF

The resolution was again read.

The resolution was previously adopted on Monday, March 20, 1995.

GUESTS PRESENTED

Senator Ratliff was recognized and introduced to the Senate a delegation from Paris, Texas: Paris Independent School District Superintendent Elaine Ballard, school board president Barbara Fendley, Paris Junior College President Bobby Walters, Lamar County Chamber of Commerce President Bill Vaughn, Lamar County Day Chair Gary O'Connor, and school board member Raymond Armstrong, here in honor of Paris-Lamar County Day.

The Senate welcomed its guests.

(Senator Ellis in Chair)

SENATE RESOLUTION 436

Senator West offered the following resolution:

S.R. 436, Recognizing the Dr. Emmett J. Conrad Leadership Program as a tribute to the life of Dr. Emmett J. Conrad and designating March 22, 1995, as Dr. Emmett J. Conrad Leadership Program Day.

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Mrs. Eleanor Conrad, widow of Dr. Emmett J. Conrad.

Senator West also introduced a delegation from the Dr. Emmett J. Conrad Leadership Program: Program Chair Brooks Fitch, Coordinator Evelyné Long, and students Dietrich Bankhead, Linda Heasty, Shelli Neal, Kimberly Thompson, Dennis Dabney, and Jeriva Traylor.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate representatives of the Teen Parenting Services Network of Austin.

The Senate welcomed its guests.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The Presiding Officer announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Bivins.

Senator Bivins moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The Presiding Officer asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

Members, University of Houston System Board of Regents: PHILIP J. CARROLL, Harris County; ELYSE LANIER, Harris County; JOHN M. O'QUINN, Harris County; KAY KERR WALKER, Victoria County.

Members, Texas Commission on the Arts: DAVID R. DURHAM, Taylor County; NELDA S. LEE, Ector County; JOAN McGUIRE MELLARD, Bexar County; JAY M. VOGELSON, Dallas County; GILBERTO ZEPEDA, JR., Hidalgo County.

Members, Advisory Board of Athletic Trainers: MIGUEL ANGEL BENAVIDES, Williamson County; KAYE COSBY, Bexar County; SUSAN RAE LEEPER, Tarrant County; PAUL T. ZEEK, Jefferson County.

Members, College Opportunity Act Committee: DR. ROBERT L. MARION, Travis County; DR. SUSAN SNIDER OSTERBERG, Harris County.

Judge of Criminal District Court Number Two, Tarrant County: WAYNE F. SALVANT, Tarrant County.

Judge of the 215th Judicial District Court, Harris County: DWIGHT E. JEFFERSON, Harris County.

Members, Gulf Coast Waste Disposal Authority Board of Directors: ROY E. BYERLY, Galveston County; JEROME J. PENNINGTON, Harris County; RITA E. STANDRIDGE, Chambers County.

Members, Texas Board of Professional Land Surveying: JAMES NOBLE JOHNSON, Travis County; PAUL P. KWAN, Harris County.

Members, Texas State Board of Pharmacy: GILBERT P. ACUNA, Kleberg County; SUSAN HERZMARK JACOBSON, El Paso County; SUSAN REES WILLIAMS, Hidalgo County.

Members, Texas State Board of Social Work Examiners: ANN BEADEL, Brown County; RAMIRO CABRERA, Nueces County; DR. CATHERINE CLANCY, Harris County; JENNIFER LYNN JORGENSEN, Tarrant County; DON KELLY, Jefferson County; MARLENE LaROE, Harris County; ROBERTO A. MASCORRO, El Paso County; SHONNA LYNETTE OLFORD, Gregg County; SYLVIA S. RAMIREZ, San Patricio County.

Members, Board of Tax Professional Examiners: DARLA P. DOSS, Crosby County; CORA VIESCAS, El Paso County.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:20 a.m. announced the conclusion of morning call.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate the Southlake Youth Advisory Group from Dallas.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 97 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 97, Relating to controlled killing of, attempting to injure, certain uses of, and possession of certain dangerous wild animals; providing a criminal penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 97 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 97** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote:
Yeas 30, Nays 0. (Same as previous roll call)

RESOLUTIONS SIGNED

The Presiding Officer announced the signing of the following enrolled resolutions in the presence of the Senate:

H.C.R. 74

H.C.R. 123

H.C.R. 136

H.J.R. 34

GUESTS PRESENTED

The Presiding Officer, Senator Ellis in Chair, introduced to the Senate a delegation of members of the AFL-CIO from Houston.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate members of the government class of North Lake College of Dallas.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE CONCURRENT RESOLUTION 16 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

C.S.S.C.R. 16, Urging the Texas Supreme Court and Texas Court of Criminal Appeals to promulgate rules to institute a continuing education curriculum on sexual abuse issues.

The resolution was read second time and was adopted by a viva voce vote.

(President in Chair)

SENATE BILL 720 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 720, Relating to the offense of barratry.

The bill was read second time.

Senator Henderson offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 720**, SECTION 2. as follows:

Change the title of Sec. 38.12 from "Barratry" to Barratry and Solicitation of Professional Employment

The committee amendment was read and was adopted by a viva voce vote.

Senator Henderson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 720** as follows:

Renumber existing SECTIONS 3, 4, and 5 as 4, 5, and 6

SECTION 3. would read as follows:

Section 45, Article 6701d VTCS, is amended as follows: The reference to Section 38.12(b)(1), Penal Code, should be changed to reference Section 38.01(12), Penal Code.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 720 ON THIRD READING

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 720** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE**SENATE BILL 279 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 279, Relating to the identification of inmates of the Texas Department of Criminal Justice and other convicted persons as illegal criminal aliens.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE**SENATE BILL 279 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 279** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote:
Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 219 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 219, Relating to community assistance and economic development program activities of certain river authorities; validating certain actions and instruments of the river authorities.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 219** Section 1, Section 3(a), line 19 as follows:

After the word "public" delete the period, add a comma and add the following:

, and that generates at least an annual average of fifty-five million kilowatt hours of electric energy.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 219 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 219** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote:
Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 42 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 42, Relating to access to criminal history record information by certain organizations providing volunteer services.

The bill was read second time.

Senator Shapiro offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 42** as follows:

In SECTION 2 of the bill, proposed Section 411.126(c), Government Code, between "section" and ";", insert "and charge volunteer centers a fee to cover the department's direct costs of administering this program" (introduced version, page 3, line 9).

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 42 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 42** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 48 ON SECOND READING

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 48, Relating to a crime victim's right to appear in person before a parole panel of the Board of Pardons and Paroles.

The bill was read second time.

Senator Shapiro offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 48** as follows:

Amend SECTION 1 of the bill, proposed Section 8(f)(2), Article 42.18, Code of Criminal Procedure, as follows:

Delete "If a hearing is held," and change "the" to "The" (introduced version, page 1, line 18).

Between "the" and "to", delete "panel" and insert "board members" (introduced version, page 1, lines 21 and 22);

Amend SECTION 2(a)(8) of the bill, proposed Article 56.08(a), Code of Criminal Procedure, as follows:

Between "a" and "of", delete "parole panel" and insert "member" (introduced version, page 3, lines 16 and 17).

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 48 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 48** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 417 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 417, Relating to a limitation of liability of a licensed installer or servicer of a liquefied petroleum gas system in a motor vehicle.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 417 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 417** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a group of seniors from Poteet High School, accompanied by their teacher, Harold Kendrick, and chaperons.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 697 ON SECOND READING**

On motion of Senator Luna and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 697, Relating to the punishment for the operation of certain overweight vehicles.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 697 ON THIRD READING**

Senator Luna moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 697** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Galloway.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Galloway asked to be recorded as voting "Nay" on the final passage of the bill.

(Senator Madla in Chair)

SENATE BILL 1129 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1129, Relating to the designation of a portion of certain highways in Dallas County as the S. M. Wright Freeway.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1129 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1129** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 733 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 733, Relating to regulating the taking, purchase, and sale of certain fish.

The bill was read second time.

(Senator Armbrister in Chair)

Senator Brown offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 733** as follows:

On page 2, line 10, insert after the word "raised" and before the word "and", by being continuously fed a prepared feed.

The committee amendment was read and was adopted by a viva voce vote.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 733** as follows:

(1) In SECTION 3 of the bill, amend Sec. 79.002 by striking "in Section 12.027 or Chapter 61 of this code" and replacing it with the following:

"in Section 12.027, Chapter 61 or Chapter 77 of this code"

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 733 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 733** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 821 ON SECOND READING

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 821, Relating to the imposition by certain counties of a sales and use tax dedicated to operating a landfill and a criminal detention center.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 821 ON THIRD READING

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 821** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 281 ON SECOND READING**

The Presiding Officer laid before the Senate as postponed business C.S.S.B. 281, the bill having been read second time and amended, and further consideration postponed yesterday until Wednesday, March 22, 1995, after the conclusion of morning call.

C.S.S.B. 281, Relating to the punishment for the offense of evading arrest or detention and certain civil consequences of using a vehicle to evade arrest or detention.

Question—Shall C.S.S.B. 281 be passed to engrossment?

VOTE RECONSIDERED

On motion of Senator Brown and by unanimous consent, the vote by which Floor Amendment No. 1 to C.S.S.B. 281 was adopted was reconsidered.

Question—Shall Floor Amendment No. 1 be adopted?

On motion of Senator Nixon and by unanimous consent, Floor Amendment No. 1 was withdrawn.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 281 in SECTION 1 of the bill, in Section 38.04, Penal Code, by striking proposed Subsection (b) and inserting a new Subsection (b) to read as follows:

(b) An offense under this section is a Class B misdemeanor, except that the offense is:

(1) a state jail felony [of the third degree] if the actor uses a vehicle while the actor is in flight;

(2) a felony of the second degree if another [a peace officer] suffers serious bodily injury [or death from any cause other than an assault or homicide by the actor] as a direct result of an attempt by the officer from whom the actor is fleeing to apprehend the actor while the actor is in flight; or

(3) a felony of the first degree if another suffers death as a direct result of an attempt by the officer from whom the actor is fleeing to apprehend the actor while the actor is in flight.

The amendment was read.

Senator Henderson offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **C.S.S.B. 281** by changing proposed subsection (b)(1) to read as follows:

(1)(A) a Class A misdemeanor [felony of the third degree], if the actor uses a vehicle while the actor is in flight and it is the actor's first offense under this section; or,

(B) a state jail felony, if the actor uses a vehicle while the actor is in flight and it is the actor's second or subsequent offense under this section;

The amendment to Floor Amendment No. 1 was read and was adopted by a viva voce vote.

RECORD OF VOTES

Senators Brown, Gallegos, and Truan asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 2.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment as amended was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 281 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 281** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Cain was recognized and introduced to the Senate a delegation of the Lake Highlands/White Rock Democrats of Dallas and their president, Jeanette Rowland, accompanied by Bill Mitchell.

The Senate welcomed its guests.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Harris and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Administration might consider the following bills today for the Local and Uncontested Bills Calendar:

**S.B. 753
S.B. 983
S.B. 391
S.B. 863**

On motion of Senator Moncrief and by unanimous consent, **S.B. 103** was withdrawn from the Committee on Jurisprudence and was rereferred to the Committee on Finance.

Senator Galloway was recognized and introduced to the Senate his daughter, Loren.

S.B. 1509 by Zaffirini, International Relations, Trade, and Technology
 Truan, Moncrief, Lucio, Barrientos, Rosson, Montford, Madla
 Relating to the establishment of colonia self-help centers in certain
 counties.

- S.B. 1511** by Nixon, Montford State Affairs
Relating to the acceptance of gifts by state agencies.
- S.B. 1527** by Montford State Affairs
Relating to administrative hearings for the Public Utility Commission of Texas provided by the State Office of Administrative Hearings.
- S.B. 1532** by Ellis Economic Development
Relating to short term obligations for a unit of government.
- S.B. 1568** by Cain Criminal Justice
Relating to the imposition of a bond approval fee in a criminal case.
- S.B. 1569** by Cain Natural Resources
Relating to the authority of the Upper Sabine Valley Solid Waste Management District over solid waste disposal facilities within its boundaries.
- S.B. 1570** by Gallegos Jurisprudence
Relating to the appointment of appellate justices and judges, to the nonpartisan election of district judges, to the retention or rejection of district and appellate judges, and to the creation of certain judicial districts.
- S.B. 1571** by Turner Jurisprudence
Relating to the compensation of a fiduciary serving as independent executor or independent administrator of an estate.
- S.B. 1572** by Henderson Jurisprudence
Relating to encouraging the use of alternative dispute resolution in certain proceedings.
- S.B. 1573** by Henderson Jurisprudence
Relating to powers and duties of parents appointed as conservators of a child in a suit affecting the parent-child relationship.
- S.B. 1574** by Turner Jurisprudence
Relating to the requirement of notice for temporary restraining orders.
- S.B. 1575** by Henderson Jurisprudence
Relating to certain advertising by attorneys.
- S.B. 1576** by Henderson Intergovernmental Relations
Relating to the powers, duties, and operation of the Harris-Galveston Coastal Subsidence District.
- S.B. 1577** by Montford Finance
Relating to the authority of the board of regents of The University of Texas System to delegate certain powers and duties of the board.
- S.B. 1578** by Turner Jurisprudence
Relating to the compensation of a corporate fiduciary serving as trustee of a guardianship management trust.
- S.B. 1579** by Montford Education
Relating to the liability of private persons who contract for the transportation of public school children.

S.B. 1580 by Turner Health and Human Services
Relating to area agencies on aging and the coordination of their planning and services within health and human services regions.

S.B. 1581 by Turner Jurisprudence
Relating to the recovery of attorney's fees under the Declaratory Judgment Act.

S.B. 1582 by Turner Criminal Justice
Relating to creating the offense of obstruction of justice and the imposition of criminal penalties.

S.B. 1583 by Henderson Economic Development
Relating to adjustment of certain liability limits for insurance coverage through the Texas Catastrophe Property Insurance Association.

S.B. 1584 by Henderson Economic Development
Relating to rates for commercial windstorm and hail insurance coverage through the Texas Catastrophe Property Insurance Association.

S.B. 1585 by Henderson Jurisprudence
Relating to the Harris County Child Support Department.

S.B. 1586 by Henderson Economic Development
Relating to the Texas Manufacturing Institute.

S.B. 1587 by Henderson Economic Development
Relating to immunity from liability of directors, officers, agents, and employees of the Texas Catastrophe Property Insurance Association and its participating insurers.

S.B. 1588 by Armbrister State Affairs
Relating to providing water and wastewater services to certain areas that are annexed for limited purposes.

S.B. 1589 by Brown Natural Resources
Relating to the regulation of energy and material recovery and of gas recovery.

S.B. 1590 by Henderson State Affairs
Relating to registration and insurance requirements for a military collector's vehicle.

S.B. 1591 by Brown Natural Resources
Relating to audits and compliance management systems to determine compliance with certain laws, rules, and regulations; providing penalties.

S.B. 1592 by Ellis Intergovernmental Relations
Relating to airport police officers and commissioned peace officers of a city or political subdivision of this state.

S.B. 1593 by Harris Economic Development
Relating to the provision of measures for the protection of employees, invitees, tenants and customers at certain retail establishments.

- S.B. 1594** by Harris Jurisprudence
Relating to the joint managing conservatorship of a child.
- S.B. 1595** by Truan Finance
Relating to the establishment and operation of a health science center as part of The Texas A&M University Health Science Center.
- S.B. 1596** by Leedom, Health and Human Services
Patterson, Cain
Relating to arbitration of alleged violations of law relating to convalescent and nursing homes and related institutions.
- S.B. 1597** by Armbrister Finance
Relating to the issuance of tuition revenue bonds for the Texas State University System.
- S.B. 1598** by Barrientos Finance
Relating to the power of certain school districts to grant tax abatements.
- S.B. 1599** by Truan, International Relations, Trade, and Technology
Zaffirini, Luna, Madla, Montford, Barrientos, Gallegos, Lucio, Rosson
Relating to the creation of the Texas-Mexico Border Environmental Education Council.
- S.B. 1600** by Whitmire Intergovernmental Relations
Relating to participation in, administration of, and benefits from certain municipal retirement systems.
- S.B. 1601** by Brown Natural Resources
Relating to the creation, administration, powers, and duties of the Westchase Area Management District.
- S.B. 1602** by Gallegos Jurisprudence
Relating to permitting certain students to take the examination for a license to practice law in this state.
- S.B. 1603** by Ellis Finance
Relating to a municipal short-term automobile rental tax by certain municipalities.
- S.B. 1604** by Truan Finance
Relating to the rural physician assistant loan reimbursement program.
- S.B. 1605** by Truan State Affairs
Relating to the request of certain elderly or disabled tenants for a landlord to deactivate or not install a keyless bolting device.
- S.B. 1606** by Wentworth Natural Resources
Relating to the creation, administration, powers, duties, operation, and financing of the Travis County Municipal Utility District No. 3, Travis County Municipal Utility District No. 4, Travis County Municipal Utility District No. 5, Travis County Municipal Utility District No. 6, Travis County Municipal Utility District No. 7, Travis County Municipal Utility District No. 8, and Travis County Municipal Utility District No. 9.

S.B. 1608 by Luna Jurisprudence
 Relating to the election of municipal court of record judges in San
 Antonio.

S.R. 516 - By Turner: Congratulating Opal Hicks of Chilton on the occasion of her 85th birthday.

S.R. 518 - By Turner: Congratulating Mr. and Mrs. W. F. Daniel on the occasion of their 60th wedding anniversary.

S.R. 520 - By Madla: Commending the Texas Main Street Program of the Texas Historical Commission.

S.R. 521 - By Ellis: Congratulating the Honorable and Mrs. Ed Harris on the occasion of their 50th wedding anniversary.

S.R. 522 - By Haywood: Congratulating the Bowie High School Lady Rabbits basketball team on winning the Class 3A State Championship.

S.R. 523 - By Haywood: Congratulating Jen'nan Ghazal for being named to the *USA Today* All USA College Academic Team.

S.R. 524 - By Haywood: Congratulating Rene Hanebutt of the Bowie High School Lady Rabbits basketball team on being named Most Valuable Player in the Class 3A State Championship game.

S.R. 525 - By Turner: Congratulating Aley LaRue of Houston County on the occasion of her 107th birthday.

S.R. 526 - By Barrientos: Recognizing H. B. Skelton on the occasion of his retirement from the Texas Department of Criminal Justice-Pardons and Paroles Division.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:36 p.m. adjourned until 9:30 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

March 21, 1995

NATURAL RESOURCES — S.B. 226, S.B. 371, S.B. 647, C.S.S.B. 750, S.B. 675, S.B. 897, S.B. 1038, S.B. 1172

ECONOMIC DEVELOPMENT — C.S.S.B. 391, S.B. 413, S.B. 702 (Amended), C.S.S.B. 305, S.B. 495

March 22, 1995

HEALTH AND HUMAN SERVICES — C.S.S.B. 607, C.S.S.B. 606, S.B. 96, S.C.R. 38, C.S.S.B. 965

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY — S.B. 982

INTERGOVERNMENTAL RELATIONS — S.B. 855, S.B. 579, S.B. 1015, S.B. 1092, S.B. 863, S.B. 983, S.B. 916, S.B. 775 (Amended), S.B. 876, S.B. 744, C.S.S.B. 771

EDUCATION — S.B. 727

ADMINISTRATION — S.B. 959, S.B. 369, S.B. 958, S.B. 1070

SIGNED BY GOVERNOR

(March 21, 1995)

S.C.R. 76

S.C.R. 83

SENT TO SECRETARY OF STATE

(March 22, 1995)

H.J.R. 34

FORTIETH DAY

(Thursday, March 23, 1995)

The Senate met at 9:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Sims.

A quorum was announced present.

The Reverend Kevin Westergren, Redeemer Lutheran Church, Austin, offered the invocation as follows:

Dear Lord, today we come to You again asking for Your guidance and wisdom on the decisions we face. Give us the wisdom and courage we need to make laws that will guide the people of this state and meet Your standards. You have promised to hear all those who call upon Your name and to support all who trust in You. Bless us and the work we will do this day in the name of our Lord, Jesus Christ. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 60

On motion of Senator Nelson and by unanimous consent, Senators Nixon and Patterson will be shown as Co-authors of **S.C.R. 60**.